109TH CONGRESS 1ST SESSION

H. R. 1013

To direct the Consumer Product Safety Commission to promulgate a rule that requires manufacturers of certain consumer products to establish and maintain a system for providing notification of recalls of such products to consumers who first purchase such a product.

IN THE HOUSE OF REPRESENTATIVES

March 1, 2005

Mr. Moran of Virginia (for himself and Mr. McGovern) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

- To direct the Consumer Product Safety Commission to promulgate a rule that requires manufacturers of certain consumer products to establish and maintain a system for providing notification of recalls of such products to consumers who first purchase such a product.
 - 1 Be it enacted by the Senate and House of Representa-
 - 2 tives of the United States of America in Congress assembled,
 - 3 SECTION 1. SHORT TITLE.
 - 4 This Act may be cited as the "Product Safety Notifi-
 - 5 cation and Recall Effectiveness Act of 2005".
 - 6 SEC. 2. FINDINGS AND PURPOSES.
 - 7 (a) FINDINGS.—The Congress finds the following:

- (1) The Consumer Product Safety Commission conducts approximately 300 recalls of hazardous, dangerous, and defective consumer products each year.
 - (2) In developing comprehensive corrective action plans with recalling companies, the Consumer Product Safety Commission staff greatly relies upon the media and retailers to alert consumers to the dangers of unsafe consumer products, because the manufacturers do not generally possess contact information regarding the purchasing consumers. Based upon information received from companies maintaining customer registration lists, such contact information is known for generally less than 7 percent of the total consumer products produced and distributed.
 - (3) The Consumer Product Safety Commission has found that the consumers of the other 93 percent of consumer products produced and distributed do not return purchaser identification cards because of requests for marketing and personal information in the cards, and the likelihood of receiving unsolicited marketing materials.
 - (4) The Consumer Product Safety Commission has conducted research demonstrating that direct

- 1 consumer contact is one of the most effective ways 2 of motivating consumer response to a consumer 3 product recall.
 - (5) Companies that maintain consumer product purchase data, such as product registration cards, warranty cards, and rebate cards, are able to effectively notify consumers of a consumer product recall.
 - (6) The Consumer Product Safety Commission staff has found that a consumer product safety owner card, without marketing questions or requests for personal information, that accompanied products such as small household appliances and juvenile products would increase consumer participation and information necessary for direct notification in consumer product recalls.
 - (7) The National Highway Traffic Safety Administration has, since March 1993, required similar simplified, marketing-free product registration cards on child safety seats used in motor vehicles, and has found that this has been successful in increasing recall compliance rates.
- 22 (b) Purpose.—The purpose of this Act is to reduce 23 the number of deaths and injuries from defective and haz-24 ardous consumer products through improved recall effec-25 tiveness, by—

1	(1) requiring the Consumer Product Safety
2	Commission to promulgate a rule to require manu-
3	facturers of juvenile products, small household appli-
4	ances, and certain other consumer products, to in-
5	clude a simplified product safety owner card with
6	those consumer products at the time of original pur-
7	chase by consumers, or develop effective electronic
8	registration of the first purchasers of such products,
9	to develop a customer database for the purpose of
10	notifying consumers about recalls of those products;
11	and
12	(2) encouraging manufacturers, private labelers,
13	retailers, and others to use creativity and innovation
14	to create and maintain effective methods of notifying
15	consumers in the event of a consumer product recall.
16	SEC. 3. DEFINITIONS.
17	For purposes of this Act:
18	(1) Terms defined in consumer product
19	SAFETY ACT.—The definitions set forth in section 3
20	of the Consumer Product Safety Act (15 U.S.C.
21	2052) shall apply to this Act.
22	(2) COVERED CONSUMER PRODUCT.—The term
23	"covered consumer product" means—
24	(A) a juvenile product;
25	(B) a small household appliance; and

1	(C) such other consumer product as the
2	Commission considers appropriate for achieving
3	the purpose of this Act.
4	(3) JUVENILE PRODUCT.—The term "juvenile
5	product''—
6	(A) means a durable consumer product in-
7	tended for use, or that may be reasonably ex-
8	pected to be used, by children under the age of
9	5 years; and
10	(B) includes, but is not limited to—
11	(i) full-size cribs and nonfull-size
12	cribs;
13	(ii) toddler beds;
14	(iii) high chairs, booster chairs, and
15	hook-on chairs;
16	(iv) bath seats;
17	(v) gates and other enclosures for con-
18	fining a child;
19	(vi) playpens;
20	(vii) stationary activity centers;
21	(viii) strollers;
22	(ix) walkers;
23	(x) swings;
24	(xi) child carriers;
25	(xii) bassinets and cradles; and

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1	(xiii) children's toys.
2	(4) PRODUCT SAFETY OWNER CARD.—The term
3	"product safety owner card" means a standardized
4	product identification card supplied with a consumer
5	product by the manufacturer of the product, at the
6	time of original purchase by the first purchaser of
7	such product for purposes other than resale, that
8	only requests that the consumer of such product
9	provide to the manufacturer a minimal level of per-
10	sonal information needed to enable the manufacturer
11	to contact the consumer in the event of a recall of
12	the product.
13	(5) SMALL HOUSEHOLD APPLIANCE.—The term
14	"small household appliance" means a consumer
15	product that is a toaster, toaster oven, blender, food
16	processor, coffee maker, or other similar small appli-
17	ances.
18	SEC. 4. RULE REQUIRING SYSTEM TO PROVIDE NOTICE OF
19	RECALLS OF CERTAIN CONSUMER PROD-
20	UCTS.
21	(a) In General.—The Commission shall promulgate

a rule under section 16(b) of the Consumer Product Safe-

ty Act (15 U.S.C. 2065(b)) that requires that the manu-

24 facturer of a covered consumer product shall establish and

- 1 maintain a system for providing notification of recalls of
- 2 such product to consumers of such product.
- 3 (b) Requirement to Create Database.—
- 4 (1) IN GENERAL.—The rule shall require that
 5 the system include use of product safety owner
 6 cards, Internet registration, or an alternative meth7 od specified by the rule, to create a database of in8 formation regarding consumers of covered consumer
 9 products, for the sole purpose of notifying such con10 sumers of recalls of such products.
 - (2) Use of technology.—Alternative methods specified in the rule may include use of on-line product registration and consumer notification, consumer information data bases, electronic tagging and bar codes, embedded computer chips in consumer products, or other electronic and design strategies to notify consumers about product recalls, that the Commission determines will increase the effectiveness of recalls of covered consumer products.
- 20 (c) USE OF COMMISSION STAFF PROPOSAL.—The 21 rule shall be substantially the same as the Commission 22 staff draft entitled "Advanced Notice of Proposed Rule-23 making entitled Purchaser Owner Card Program", dated 24 June 19, 2001.
- 25 (d) Deadlines.—The Commission—

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L	(1) shall issue a proposed rule under this sec-
2	tion by not later than 90 days after the date of the
3	enactment of this Act; and

(2) shall promulgate a final rule under this section by not later than 270 days after the date of the enactment of this Act.

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